1 2 3 4 5 6 7 VS. 8 9 10 11 12 13 14 15 16 17 18 19 20

BEFORE THE COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS AND INDUSTRY, STATE OF NEVADA,

Petitioner,

WINE RIDGE ESTATES HOMEOWNERS' ASSOCIATION, FERNANDO HERRERA, REBECCA COINS,

Respondents.

Case No. 2021-942



NOV 0 1 2024

NEVADA COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

mallo

MOTION TO SHOW CAUSE

The Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division"), by and through its counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Christal Park Keegan, Deputy Attorney General, hereby moves the Commission for Common-Interest Communities and Condominium Hotels ("Commission") pursuant NAC 116.560 for an order directing RESPONDENTS to appear and show cause why they should not be held in breach of violating the Commission's Stipulation and Order for Settlement of Disciplinary Action dated June 21, 2023, filed June 23, 2023.

In support of the Division's Motion, it submits:

Exhibit A. Stipulation and Order for Settlement of Disciplinary Action, Case No. 2021-942, Filed June 23, 2023.

Exhibit B. Certificates of Education for Fernando Herrera and Rebecca Coins, Received June 24, 2024.

Exhibit C. Certificate of Attendance for Fernando Herrera and Rebecca Coins, dated September 11, 2024.

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VIOLATION OF COMMISSION ORDER 1 Pursuant to the provisions of the Commission's Stipulation and Order for Settlement of 2 3 Disciplinary Action, specifically: 4 Breach of Settlement Agreement Term b. Each RESPONDENT further agrees to complete six (6) hours of continuing education in relevant 5 subject matters areas of budget and reserve study, board meeting, and/or financial management, record keeping and reporting, completed 6 within one (1) year of the date of the order approving this Stipulation, with proof of completion supplied. (emphasis added). 7 SANCTIONS AUTHORIZED 8 Pursuant to the provisions of NRS 116.785(3), the Commission is authorized to take the 9 following action: 10 If the respondent violates any order issued by the Commission or 11 1. the hearing panel pursuant to this section, the Commission or the hearing panel, after notice and hearing, may impose an administrative fine of not 12 more than \$1,000 for each violation. 13 DATED this 31 day of October 2024. REAL ESTATE DIVISION, 14 DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEWADA 15 16 SHARATH CHANDRA, Administrator 17 3300 W. Sahara Avenue, Suite 350 Las Vegas, Nevada 89102 18 (702) 486-4033 19 20 DATED this 31st day of October 2024. AARON D. FORD Attorney General 21 epkeegan 22 By: CHRISTAL P. KEEGAN 23 Deputy Attorney General Nevada State Bar No. 12725 24 5420 Kietzke Lane, Suite 202 Reno, Nevada 89511 25 (775) 687-2141 ckeegan@ag.nv.gov 26 Attorney for Real Estate Division 27 28

EXHIBIT A

EXHIBIT A

JOE LOMBARDO Governor

STATE OF NEVADA



TERRY REYNOLDS

Director

SHARATH CHANDRA

Administrator

CHARVEZ FOGER
Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY REAL ESTATE DIVISION

www.red.nv.gov

June 23, 2023

Ryan Hastings, Esq. c/o Leach Kern Gruchow Anderson Song 2525 Box Canyon Drive Las Vegas, Nevada 89128 Certified No. 7020 1290 0001 3945 4393

Rebecca Coins 9089 Wine Cellar Ave Las Vegas, Nevada 89148 Certified No. 7020 1290 0001 3945 4409

Fernando Hernandez 9263 William Hill Avenue Las Vegas, Nevada 89148 Certified No. 7020 1290 0001 3945 4416

Telephone: (702) 486-4606 Fax: (702) 486-4275

Telephone: (775) 684-1900 Fax: (775) 687-4868

Re: NRED v. WINE RIDGE ESTATES HOMEOWNERS' ASSOCIATION, FERNANDO

HERRERA, REBECCA COINS

Case No: 2021-942

Enclosed herewith you will find the <u>STIPULATION AND ORDER FOR SETTLEMENT OF</u>
<u>DISCIPLINARY ACTION</u> entered by the Nevada Commission for Common-Interest Communities and Condominium Hotels at the meeting held June 13, 2023, in Las Vegas, Nevada.

The following was ordered by the Commission:

- 1. RESPONDENT Association agrees to provide the Division with the 2018, 2019 and 2020 CPA Audits identified in the October 5, 2021, Request for Information Letter by October 5, 2023. After this date, the Respondent shall pay the reasonable and necessary costs of the continued proceedings incurred by the Division, including its attorney's fees, to perform status checks on this matter.
 - Upon receipt of the CPA audits, such information shall be submitted to the auditor at the expense of the Association.
- 2. Each RESPONDENT board member further agrees to complete six (6) hours of continuing education in relevant subject matters areas of budget and reserve study, board meeting, financial management, and/or record keeping and reporting, to be completed within one (1) year from the date of the order approving this Stipulation, with proof of completion supplied.

EDUCATION DUE: JUNE 23, 2024

There are two copies of this letter enclosed, one copy is marked "Remittance Copy" and should be returned with your check, money order, or continuing education (CE) certificates to the Nevada Real Estate Division at the address below. The purpose of the remittance copy is to assure proper posting of fines and/or education to your disciplinary file.

> Nevada Real Estate Division Attn: Administration Section 3300 West Sahara Avenue, Suite 350 Las Vegas, Nevada 89102

Please note that Division staff does not have the authority to extend the due date for your education requirements that have been ordered by the Commission. If you find that you are unable to meet the required due date, you will need to request in writing that you be placed on the agenda for a Commission hearing in which the respondent will be allowed to request an extension from the Commission. This request should be made several months prior to the due date.

Please contact me if you have questions regarding this matter.

Sincerely,

Maria Gallo Commission Coordinator Telephone: (702) 486-4074 Email: mgallo@red.nv.gov

Cc: Sharath Chandra, Administrator

Christal Keegan Deputy Attorney General

Compliance

JOE LOMBARDO Governor

STATE OF NEVADA



TERRY REYNOLDS

SHARATH CHANDRA
Administrator

CHARVEZ FOGER
Deputy Administrator

DEPARTMENT OF BUSINESS AND INDUSTRY REAL ESTATE DIVISION

www.red.nv.gov

REMITTANCE COPY

June 23, 2023

Ryan Hastings, Esq. c/o Leach Kern Gruchow Anderson Song 2525 Box Canyon Drive Las Vegas, Nevada 89128 Certified No. 7020 1290 0001 3945 4393

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Sincerely,

Maria Gallo **Commission Coordinator** Telephone: (702) 486-4074 Email: mgallo@red.nv.gov

Sharath Chandra, Administrator Cc:

Christal Keegan Deputy Attorney General

Compliance

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BEFORE THE COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

STATE OF NEVADA

Sharath Chandra, Administrator, Real Estate Division, Department of Business & Industry, State of Nevada,

Petitioner,

VS

Wine Ridge Estates Homeowners' Association, Fernando Herrera, Rebecca Coins,

Respondents.

Case No. 2021-942



JUN 2 3 2023

NEVADA COMMISSION FOR COMMON INTEREST COMMUNITES AND CONDOMINIUM, HOTELS

STIPULATION AND ORDER FOR SETTLEMENT OF DISCIPLINARY ACTION

This Stipulation for Settlement of Disciplinary Action ("Stipulation") is entered into by and between the State of Nevada, Department of Business and Industry, Real Estate Division ("Division"), through its Administrator Sharath Chandra ("Petitioner"), by and through their attorney of record, Christal Park Keegan, and WINE RIDGE ESTATES HOMEOWNERS' ASSOCIATION, (the "Association"), FERNANDO HERRERA and REBECCA COINS (collectively, "RESPONDENTS").

JURISDICTION AND NOTICE

During the relevant times mentioned in this complaint, RESPONDENTS served as board members and/or officers of the Association, a common-interest community located in Las Vegas, Nevada.

RESPONDENTS are subject to the provisions of Chapter 116 of the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") (hereinafter collectively referred to as "NRS 116") and are subject to the jurisdiction of the Division, and the Commission for Common-Interest Communities pursuant to the provisions of NRS 116.750.

SUMMARY OF FACTUAL ALLEGATIONS SET FORTH IN THE COMPLAINT

- RESPONDENT Association is a 415 single-family home community located in Las Vegas, Nevada.
 - 2. At all relevant times, the RESPONDENT Association was and continues to be governed

by two resident board members, RESPONDENTS Fernando Herrera and Rebecca Coins.

- 3. On or about July 12, 2021, the auditor gave proper notice to the RESPONDENT Association pursuant to its audit engagement letter which requested records or forms ("Requested Documents") to the RESPONDENTS board members and the community manager at the time Scott Hedlind with Desert Homeowners Association Management, Inc. *Bates Nos. CICC 0005-0006*.
- 4. RESPONDENTS board members and the community manager Mr. Hedlind failed to provide all of the Requested Documents to the auditor. *Bates Nos. CICC 0007-0010*.
- 5. With the limited information, the auditor completed the audit on September 14, 2021.

 Bates Nos. CICC 0007-0010.
- Subsequently, an intervention affidavit was submitted to the Division by the auditor for further investigation regarding compliance and violation of NRS 116 and NAC 116.
- 7. On or about October 5, 2021, the Division sent the RESPONDENTS board members its initial request for all of the Requested Documents. *Bates Nos. CICC 0011-0013*.
 - 8. The RESPONDENTS board members failed to respond to the Division's request.
- 9. On or about October 27, 2021, the Division sent its second request for the Requested Documents. *Bates Nos. CICC 0015-0017*.
 - 10. The RESPONDENTS board members failed to respond to that request as well.
- 11. On or about November 5, 2021, the Division sent its third request for the Requested Documents. *Bates Nos. CICC 0019-0022*.
- 12. The auditor requested the RESPONDENT Association submit the Annual Association Registration form #562, unit fees, including penalty and interest and confirmation that the RESPONDENT Association is in good standing with the Secretary of State's office. *Bates Nos. CICC* 0005-0006.
 - 13. The RESPONDENT Association paid its annual registration fees and past due amounts.
 - 14. The RESPONDENT Association is in good standing with the Secretary of State.
- 15. On November 18, 2021, the Division properly notified the RESPONDENT Association and RESPONDENTS board members that it will commence a disciplinary action by filing a Complaint for a hearing before the Commission. *Bates Nos. CICC 0028-0029*.

- 16. RESPONDENTS board members did not provide a response to the Division.
- 17. RESPONDENT Association has not provided the remainder of the Requested Documents.

VIOLATIONS OF LAW ALLEGED IN THE COMPLAINT

- 1. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(3)) by failing to act in good faith and in the best interests of the Association when they committed an act or omission which amounts to incompetence, negligence or gross negligence by failing to comply with Nevada law.
- 2. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(8)(a)) by failing to act in good faith and in the best interests of the Association when they failed to cause the Association to comply with all state laws and the governing documents of the Association.
- 3. RESPONDENTS violated NRS 116.3103 (through NAC 116.405(5)(a)) by impeding or otherwise interfering with an investigation of the Division by failing to comply with a request by the Division to provide information or documents.

PROPOSED SETTLEMENT AGREEMENT

In an effort to avoid the time and expense of litigating these issues before the Commission, the parties desire to compromise and settle the Division's findings of violations of law in Case No. 2021-942 upon the following terms and conditions:

a. RESPONDENT Association agrees to provide the Division with the 2018, 2019 and 2020 CPA Audits identified in the October 5, 2021, Request for Information Letter by October 5, 2023. After this date, the Respondent shall pay the reasonable and necessary costs of the continued proceedings incurred by the Division, including its attorney's fees, to perform status checks on this matter.

Upon receipt of the CPA audits, such information shall be submitted to the auditor at the expense of the Association.

b. Each RESPONDENT board member further agrees to complete six (6) hours of continuing education in relevant subject matters areas of budget and reserve study, board meeting, financial management, and/or record keeping and reporting, to be completed within one (1) year from the date of the order approving this Stipulation, with proof of completion supplied.

- 1. RESPONDENT Association, RESPONDENTS board members, and the Division agree that by entering into this Stipulation, the Division does not concede any defense or mitigation, the RESPONDENT Association and RESPONDENTS board members may assert and that once this Stipulation is approved and fully performed, the Division will close its file in this matter.
- 2. RESPONDENT Association and RESPONDENTS board members agree/s and understand/s that by entering into this Stipulation it/they are waiving their right to a hearing at which it/they may present evidence in its/their defense, its/their right to a written decision on the merits of the complaint, its/their rights to reconsideration and/or rehearing, appeal and/or judicial review, and all other rights which may be accorded by the Nevada Administrative Procedure Act, the Nevada Common-Interest Communities and Condominium Hotels statutes and accompanying regulations, and the federal and state Constitutions. The RESPONDENT Association and RESPONDENTS board members understand/s that this Agreement and other documentation may be subject to public records laws. The Commission members who review this matter for approval of this Stipulation may be the same members who ultimately hear, consider, and decide the Complaint if this Stipulation is either not approved by the Commission or is not timely performed by the RESPONDENT Association and RESPONDENTS board members fully understand/s that it/they have the right to be represented by legal counsel in this matter at its/their own expense.
 - 3. The parties hereby stipulate to the Division's exhibits, Bates Nos.: CICC 0001 0029.
 - 4. Each party shall bear their own attorney's fees and costs.
- 5. <u>Approval of Stipulation</u>. Once executed, this Stipulation will be filed with the Commission and will be placed on the agenda for approval at its next public meeting. The Division will recommend to the Commission approval of the Stipulation. RESPONDENT Association and RESPONDENTS board members agree/s that the Commission may approve, reject, or suggest amendments to this Stipulation that must be accepted or rejected by RESPONDENT Association and RESPONDENTS board members before any amendment is effective.
- 6. <u>Withdrawal of Stipulation</u>. If the Commission rejects this Stipulation or suggests amendments unacceptable to the RESPONDENT Association and RESPONDENTS board members, it/they may withdraw from this Stipulation, and the Division may pursue its Complaint before the

Commission. This Stipulation then shall become null and void and unenforceable in any manner against either party.

- RESPONDENT Association and RESPONDENTS board members for itself/themselves, its/their heirs, executors, administrators, successors, and assigns, hereby releases, remises, and forever discharges the State of Nevada, the Department of Business and Industry, and the Division, and each of their respective members, agents, employees, and counsel in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known and unknown, in law or equity, that RESPONDENT Association and RESPONDENTS ever had, now has, may have, or claim to have against any or all of the persons or entities named in this section, arising out of or by reason of the Division's investigation of this action, this disciplinary action, and all matters related thereto.
- 8. <u>Indemnification</u>. RESPONDENT Association and RESPONDENTS board members hereby agree/s to indemnify and hold harmless the State of Nevada, the Department of Business and Industry, Petitioner, the Division, and each of their respective members, agents, employees, and counsel, in their individual and representative capacities, against any and all claims, suits, and actions brought against said persons and/or entities by reason of the Division's investigation, this disciplinary action, and all other matters relating thereto, and against any and all expenses, damages, and costs, including court costs and attorney fees, which may be sustained by the persons and/or entities named in this section as a result of said claims, suits, and actions.
- 9. <u>Default</u>. In the event of default, RESPONDENT Association and RESPONDENTS board members agree that the RESPONDENT Association's license shall be immediately suspended. The RESPONDENT Association agrees that the foregoing suspension of its license shall continue until the information is received. RESPONDENTS board members agree that they shall tender their resignation immediately if they fail to timely attend and complete the above continuing education. RESPONDENTS board members agree that they shall not serve on the board until the continuing education is completed.
- 10. RESPONDENT Association and RESPONDENTS board members have signed and dated this Stipulation only after reading and understanding all terms herein.

1	DATED: June 21, 2023.	NEVADA DEPAREMENT OF BUSINESS & INDUSTRY, REAL ESTATE DIVISION
2		ANDUSTRICATE ESTATE PIVISION
3		By: Sharath Chandra,
4		Administrator
5		
6	DATED: June <u>20</u> , 2023	WINE RIDGE ESTATES HOMEOWNERS'
7	DATED. Julie <u>6</u> , 2023	ASSOCIATION
8		
9		By: ERNANDO HERREBA
10		President
11	DATED: June <u>20</u> , 2023	NAME AND ALL PART AND ALL PART AND ALL PARTS
12	DATED. Julie <u>6-0-</u> , 2025	WINE RIDGE ESTATES HOMEOWNERS' ASSOCIATION
13		7 Peline Ca
14		By: REBECCA COINS
15		Secretary/Treasurer
16	Approved as to form:	Approved as to form:
17	AARON D. FORD	Leach Kern Gruchow Anderson Song
18	Attorney General	Leach Kell Graciow Anderson Bong
19	eokeegan	Pour Andrews
20	CHRISTAL P. KEEGAN (Bar No. 1272	By: RYAN HASTINGS (Bar No. 12394) 2525 Box Canyon Drive
21	Deputy Attorney General 5420 Kietzke Lane #202	Las Vegas, Nevada 89128
22	Reno, Nevada 89511 (775) 687-2141	Attorney for Association
23	Attorney for Real Estate Division	
24		
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BEFORE THE COMMISSION FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS 2 STATE OF NEVADA 3 4 Sharath Chandra, Administrator, Case No. 2021-942 Real Estate Division, Department of Business & 5 Industry, State of Nevada, 6 Petitioner, 7 VS. 8 Wine Ridge Estates Homeowners' Association, ORDER FOR SETTLEMENT OF Fernando Herrera, Rebecca Coins, **DISCIPLINARY ACTION** 9 Respondents. 10 IT IS ORDERED that the foregoing Stipulation and Order for Settlement of Disciplinary 12 Action is approved in full. 13 Dated: June 2(, 2023 14 COMMISSION FOR COMMON-INTEREST 15 COMMUNITIES AND HOTELS, DEPARTMENT OF BUSINESS & 16 INDUSTRY, STATE OF NEVADA 17 18 chael Burke, Chairman 19 20 Submitted by: 21 AARON D. FORD Attorney General 22 By: 23 CHRISTAL P. KEEGAN (Bar No. 12725) Deputy Attorney General 24 5420 Kietzke Lane #202 25 Reno, Nevada 89511 (775) 687-2141

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ckeegan a ag.nv.gov

Attorney for Real Estate Division

CONDOMINIUM

EXHIBIT B

EXHIBIT B

Certificate of Education

THIS CERTIFICATE IS PROUDLY PRESENTED TO

Fernando Herrera

Property Condition and Compliance

Course Hours: 3

Course Designation: Property Management

Course Number: CE.7306000-RE Course Exam Passed: 06/20/2024

This course has been completed by Correspondence

Enrollment Completed by: Mike Federwitz

Approved by the NV Real Estate Division, on behalf of the NV Real Estate Commission

By signing, the student confirms completion of the course by themselves and no other

Student Signature

Michael Vinerais.

Mike Federwitz, School Registrar

K

KEY REALTY SCHOOL 06/20/2024

RECEIVED

Completion Date

Certificate of Education

THIS CERTIFICATE IS PROUDLY PRESENTED TO

Fernando Herrera

Top Policy Issues

Course Hours: 3

Course Designation: Broker Management

Course Number: CE.7318000-RE

Course Exam Passed: 06/22/2024

This course has been completed by Correspondence Enrollment Completed by: Mike Federwitz

Approved by the NV Real Estate Division, on behalf of the NV Real Estate Commission

By signing, the student confirms completion of the course by themselves and no other

Student Signature

Michael Vicertio

Mike Federwitz, School Registrar



06/22/2024

Completion Date

KEY REALTY SCHOOL

Certificate of Education

THIS CERTIFICATE IS PROUDLY PRESENTED TO

Rebecça Coins

Property Condition and Compliance

Course Hours: 3

Course Designation: Property Management

Course Number: CE.7306000-RE

Course Exam Passed: 06/20/2024

This course has been completed by Correspondence Enrollment Completed by: Mike Federwitz
Approved by the NV Real Estate Division, on behalf of the NV Real Estate Commission

By signing, the student confirms completion of the course by themselves and no other

Student Signature

Mike Federwitz, School Registrar

06/20/2024

Completion Date

KEY REALTY SCHOOL

Certificate of Attendance COMMUNITY ASSOCIATION MANAGER CONTINUING EDUCATION

Rebecca Coins	NA
Name	License Number

Attended and successfully completed a Internet, Classroom offering of

"MANAGING AGING COMMUNITIES: PLANNING, STRATEGIES AND RESERVES"

3 HOURS GENERAL

CE.0486000-CAM

ON

May 21, 2024

DATE

This course is sponsored by:

Level Property Management

anne Calarco

Authorized Signature (Original)

THIS COURSE IS APPROVED BY THE NEVADA REAL ESTATE DIVISION ON BEHALF OF THE COMMISSION FOR COMMON INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

EXHIBIT C

EXHIBIT C



BRC Certificate of Completion Reserve Study Class



Name Fernando Herrera

Has successfully completed and attended:

<u>BRC.001-0200-BRC/CM</u> <u>1.5</u> Hour(s)

Course Name: Banking

Date: <u>9-11-2024</u>

Instructor: Better Reserve Consultants
--Mari Jo Betterley, RS.0000025

Mari Jo Betterley

Southern Nevada - (702)605-1200 Northern Nevada - (775)427-1617 BetterReserves@gmail.com www.BRCBetterReserveConsultants.com

Certificate of Attendance REAL ESTATE CONTINUING EDUCATION

Relicca Coins

Name

License No.

has successfully completed and attended

FINANCIAL CONSIDERATIONS IN THE CIC

CE = 0129000 CAM - GENERAL

3 HOURS Credit

9-11-2024 Date

This Course is Sponsored By

COMMUNITY ASSOCIATION SOLUTIONS P.O. Box 530639 Henderson, NV 89053-0639

(ORIGINAL) Authorized Signature

THIS COURSE IS APPROVED BY THE REAL ESTATE DIVISION FOR THE COMMISSION FOR THE COMMON INTEREST COMMUNITIES and CONDO HOTELS